

1 GREGORY A. BROWER
2 United States Attorney
3 ERIC JOHNSON
4 Assistant United States Attorney
5 333 Las Vegas Boulevard South, Suite 5037
6 Las Vegas, Nevada 89101
Telephone: (702)388-6336
Facsimile: (702-388-6418
5
6 Attorneys for the Plaintiff
United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-oOo-

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) 2:09-CR-0078-JCM-RJJ
12 v.)
13) STIPULATION TO SET MOTIONS AND
14 SAMUEL DAVIS AND SHAWN RICE,) RESPONSES DEADLINES AND TO
15 Defendants.) CONTINUE CALENDAR CALL
) AND TRIAL DATE
)
) (Second Request)

16 COMES NOW the United States of America, though its attorneys, Gregory A. Brower,
17 United States Attorney, District of Nevada, and Eric Johnson, Assistant United States Attorney,
18 defendant Samuel Davis, by and through his attorney, Todd Leventhal, and defendant Shawn
19 Rice, acting as his own counsel, and stipulate that the parties shall file all pretrial motions in
20 the instant matter by November 9, 2009, the parties shall file any responses to pretrial motions
21 by December 7, 2009, and the parties shall file any replies permitted under the local rules by
22 December 18, 2009. The parties further stipulate that trial of the instant matter, currently set
23 for October 5, 2009, be continued to a date and time convenient to the Court on or after
24 February 20, 2010.

25 1. The parties seek the requested continuance to allow sufficient time for the
26 Government to provide and defendants to review voluminous discovery in this matter, to
27 realistically allow the defendants and their attorneys sufficient time to effectively represent the
28

1 defendants in the matter through appropriate review of the discovery, filing of appropriate
2 motions and preparation for trial in this case.

3 2. The indictment charges defendants Samuel Davis and Shawn Rice with a large
4 scale money laundering sting under Title 18, United States Code, Section 1956. The
5 indictment alleges the defendants illegally laundered over \$1,200,000 in funds through multiple
6 third party or shell bank accounts. The charges in the indictment are the result of a long term
7 and complex undercover investigation of defendants and their associates starting almost three
8 years ago in 2006.

9 3. Discovery in this case is voluminous, including lengthy, multiple recordings of
10 defendants and their associates. This case involves a long term investigation dating primarily
11 back to 2006 and a large portion of the evidence concerns extensive undercover meetings
12 which were recorded. The instant case is part of a collective group of cases involving
13 approximately 184 audio and video recordings, many several hours in length, and over 46,000
14 pages of documents. All together the recording involve approximately 660 hours of
15 conversation. One or both of the defendants in the instant case are personally involved in 85
16 recordings involving approximately 280 hours of conversation.

17 4. Because of the volume of discovery materials, the Government has required
18 additional time to complete the scanning and distribution process for discovery. To date almost
19 all discovery has been provided or made available to defendants. The Government is currently
20 editing approximately 25 video recordings to blur the faces of the undercover participants. The
21 Government hopes to provide these recordings by the end of August or early September. In the
22 meantime, the Government has made available unedited copies of the video recordings for
23 viewing at its offices.

24 5. Previously, this Court after considering the discovery in the instant matter ruled the
25 case should be considered a complex case as described in Title 18, United States Code, Section
26 3161(h)(7)(B)(ii).

27

28

1 6. Defendant Shawn Talbot Rice has only recently taken on self-representation of
2 himself. To effectively represent himself, defendant Rice will require substantial time to
3 adequately review the evidence and discovery and prepare pretrial motions and prepare for
4 trial.

5 7. Both defendants are released pending trial on their personal recognizance.

6 8. The additional time requested herein is not sought for purposes of delay but merely to
7 allow counsel for the parties sufficient time, in light of the above, within which to be able to
8 provide and review discovery in this matter and to allow counsel for the parties sufficient time,
9 in light of the above, to effectively and thoroughly research and file pretrial motions and
10 prepare and participate in the trial of this matter, taking into account the exercise of due
11 diligence.

12 9. Additionally, denial of this request for continuance could result in a miscarriage of
13 justice.

14 10. The parties do not enter into this stipulation for the purpose of delay, but to allow
15 sufficient time for all parties to fully prepare for trial and to participate in trial.

16 11. The ends of justice served by this request for a continuance of the trial date
17 outweigh the interest of the public and the defendants in a speedy trial, considering the factors,
18 among others, set forth in Title 18, United States Code, Sections 3161(h)(7)(B)(iv).

19 12. The additional time requested by the parties is excludable in computing the time
20 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 3

1 . . .
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 States Code, Sections 3161(h)(1)(D), 3161(h)(6), and 3161(h)(7)(A) when considering the
2 factors, among others, under Section 3161(h)(7)(B)(ii) and Section 3161(h)(7)(B)(iv).

3 13. This is the second request for continuance of the trial date.

4 DATED this 12th day of August, 2009.

5 GREGORY A. BROWER
6 United States Attorney

7 /s/ Eric Johnson
8 ERIC JOHNSON
9 Assistant United States Attorney

10 /s/ Todd Leventhal
11 TODD LEVENTHAL
12 Counsel for Defendant Samuel Davis

13 /s/ Shawn Rice
14 SHAWN RICE, Pro Se

15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,)
Plaintiff,) 2:09-CR-0078-JCM-RJJ
v.)
SAMUEL DAVIS AND SHAWN RICE,) ORDER
Defendants.)

Based on the parties' stipulation and good cause appearing therefore, the Court finds that:

1. The parties seek the requested continuance to allow sufficient time for the Government to provide and defendants to review voluminous discovery in this matter, to realistically allow the defendants and their attorneys sufficient time to effectively represent the defendants in the matter through appropriate review of the discovery, filing of appropriate motions and preparation for trial in this case.

2. The indictment charges defendants Samuel Davis and Shawn Rice with a large scale money laundering sting under Title 18, United States Code, Section 1956. The indictment alleges the defendants illegally laundered over \$1,200,000 in funds through multiple third party or shell bank accounts. The charges in the indictment are the result of a long term and complex undercover investigation of defendants and their associates starting almost three years ago in 2006.

3. Discovery in this case is voluminous, including lengthy, multiple recordings of defendants and their associates. This case involves a long term investigation dating primarily back to 2006 and a large portion of the evidence concerns extensive undercover meetings which were recorded. The instant case is part of a collective group of cases involving approximately 184 audio and video recordings, many several hours in length, and over 46,000 pages of documents.

1 All together the recording involve approximately 660 hours of conversation. One or both of the
2 defendants in the instant case are personally involved in 85 recordings involving approximately
3 280 hours of conversation.

4 4. Because of the volume of discovery materials, the Government has required
5 additional time to complete the scanning and distribution process for discovery. To date almost all
6 discovery has been provided or made available to defendants. The Government is currently
7 editing approximately 25 video recordings to blur the faces of the undercover participants. The
8 Government hopes to provide these recordings by the end of August or early September. In the
9 meantime, the Government has made available unedited copies of the video recordings for
10 viewing at its offices.

11 5. Previously, this Court after considering the discovery in the instant matter ruled
12 the case should be considered a complex case as described in Title 18, United States Code, Section
13 3161(h)(7)(B)(ii).

14 6. Defendant Shawn Talbot Rice has only recently taken on self-representation of
15 himself. To effectively represent himself, defendant Rice will require substantial time to
16 adequately review the evidence and discovery and prepare pretrial motions and prepare for trial.

17 7. Both defendants are released pending trial on their personal recognizance.

18 8. The additional time requested herein is not sought for purposes of delay but
19 merely to allow counsel for the parties sufficient time, in light of the above, within which to be
20 able to provide and review discovery in this matter and to allow counsel for the parties sufficient
21 time, in light of the above, to effectively and thoroughly research and file pretrial motions and
22 prepare and participate in the trial of this matter, taking into account the exercise of due diligence.

23 9. Additionally, denial of this request for continuance could result in a miscarriage
24 of justice.

25 10. The parties do not enter into this stipulation for the purpose of delay, but to
26 allow sufficient time for all parties to fully prepare for trial and to participate in trial.

11. The ends of justice served by this request for a continuance of the trial date outweigh the interest of the public and the defendants in a speedy trial, considering the factors, among others, set forth in Title 18, United States Code, Sections 3161(h)(7)(B)(iv).

12. The additional time requested by the parties is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United

States Code, Sections 3161(h)(1)(D), 3161(h)(6), and 3161(h)(7)(A) when considering the factors, among others, under Section 3161(h)(7)(B)(ii) and Section 3161(h)(7)(B)(iv).

13. This is the second request for continuance of the trial date.

THEREFORE, IT IS HEREBY ORDERED that:

1. The parties shall file all pretrial motions in the instant matter by November 9, 2009, the parties shall file any responses to pretrial motions by December 7, 2009, and the parties shall file any replies permitted under the local rules by December 18, 2009. The parties further stipulate that trial of the instant matter, currently set for October 5, 2009, be continued to a date and time convenient to the Court on or after February 20, 2010.

2. The calendar call in the above-captioned matter currently scheduled for September 30, 2009, at the hour of 1:30 p.m., be vacated and continued to

February 17, 2010 at 1:30 p.m., and the jury trial in the above-captioned matter currently scheduled for October 5, 2009, at the hour of 9:00 a.m., be vacated and continued to **February 22, 2010 at 9:00 a.m.**

DATED this 18th day of August, 2009.

James C. Mahan
UNITED STATES DISTRICT JUDGE